

Existing law creates three offices of commissioner for the 24th JDC, two of whom have criminal jurisdiction and one of whom has civil jurisdiction.

Prior law sets forth the powers of the commissioners in criminal matters as follows:

- (1) To administer oaths and affirmations.
- (2) To take acknowledgments, affidavits, and depositions.
- (3) To sign orders.
- (4) To act on felony charges through arraignment and misdemeanor charges; commissioners shall not accept pleas of guilty on felony charges.
- (5) To hear preliminary motions.
- (6) To accept pleas in misdemeanor cases.
- (7) To fix bail.
- (8) To sign and issue search and arrest warrants in accordance with the general provisions of law, including the requirement of the showing of probable cause.
- (9) To find and punish for contempt of court as a district court judge.

New law retains prior law but changes the powers of the commissioners in (4), (5), and (6) above, as follows:

- (4) To act on felony charges through arraignment, but commissioners shall not accept pleas of guilty on felony charges.
- (5) To act on misdemeanor charges including accepting pleas in misdemeanor cases preliminary to trial on the merits and, upon written consent of the defendant and a waiver of his rights, conduct evidentiary hearings of misdemeanor cases.
- (6) To hear preliminary motions prior to filing the bill of information or indictment.

New law requires a criminal commissioner to receive all evidence and to prepare a written report of his findings, which report is required to contain the following elements:

- (1) A statement of the pleadings.
- (2) A statement of the facts as found by the commissioner.
- (3) An opinion based on the pleadings and facts.
- (4) A judgment as he determines should be rendered with the recommendation to the judge that it be made the judgment of the court.

New law requires a criminal commissioner to file with the court a report containing his proposed findings. Provides for procedures for transmittal and traversal of the findings.

Existing law sets forth the powers of the commissioner hearing domestic matters as follows:

- (1) Rendering and signing judgments and orders confirming judgments by default.
- (2) Granting uncontested divorces.
- (3) Implementing interim child support and custody orders.
- (4) Approving consent judgments.
- (5) Signing ex parte and emergency orders.
- (6) Finding and punishing for contempt of court.

New law retains these powers of the domestic commissioner but additionally sets forth the powers of the domestic commissioner as follows:

- (1) Administering oaths and affidavits.
- (2) Handle preliminary disputes concerning discovery or subpoenas.
- (3) Handling any other domestic matter not specifically excluded.

New law sets forth procedures for objecting to a judgment or ruling implementing interim child support and custody orders.

New law denies the domestic commissioner authority to adjudicate cases in a contested matter of divorce, custody, permanent spousal support, paternity, or partition of community property, unless the parties consent in writing to the jurisdiction of the commissioner.

Existing law requires notification to parties filing an action in the 24th JDC of their right to consent to jurisdiction by the commissioners and permits the commissioner to order the entry of judgment in the case, but requires the judgment entered by the commissioner to be signed by a judge of the 24th JDC.

New law retains existing law but requires the judgment recommended by the commissioner to be signed by a judge of the 24th JDC.

Prior law provided for a termination date of the offices of commissioner on August 15, 1999, and existing law requires the judges of the 24th JDC to perform an annual evaluation of the commissioners and to issue a yearly, public report as to the effectiveness and the need for continuation of the offices of the commissioners.

New law retains existing law but provides for a termination date of August 15, 2003.

Effective upon signature of governor (June 9, 1999).

(Amends R.S. 13:717(D), (E), and (F) and 718(G); Adds R.S. 13:717(G) and (H))